

JUN 05 2006

PTO/SB/82 (01-05)

Approved for use through 12/5/2005. OMB 0651-0035

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**REVOCAION OF POWER OF  
ATTORNEY WITH  
NEW POWER OF ATTORNEY  
AND  
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/825,715
Filing Date	16 April 2004
First Named Inventor	Galle, Steven
Art Unit	3764
Examiner Name	Lewin, Alana
Attorney Docket Number	4429.001

I hereby revoke all previous powers of attorney given in the above-identified application.

☒ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint the practitioners associated with the Customer Number:

☒ Please change the correspondence address for the above-identified application to:

☐ The address associated with  
Customer Number:

OR

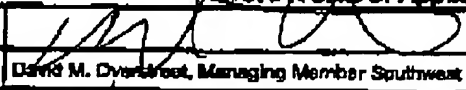
<input checked="" type="checkbox"/> Firm or Individual Name	Fain IP Law, P.C.	Katy C. Fain			
Address	4801 Lang Ave., NE, Ste. 110				
City	Albuquerque	State	NM	Zip	87109
Country	USA				
Telephone	505.469.0518	Email	fain_iplaw@msn.com		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/86)

**SIGNATURE of Applicant or Assignee of Record**

Signature			
Name	David M. Overstreet, Managing Member Southwest Martial Arts Development, LLC		
Date	9/7/06	Telephone	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.96. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEEB OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing this form, call 1-800-PTO-9759 and select option 2.

JUN 05 2006

PTO/SB/81 (01-06)

Approved for use through 12/31/2006. OMB 0851-0056  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/825,715
Filing Date	16 April 2004
First Named Inventor	Gottis, Steven
Title	Training Pad Apparatus
Art Unit	3784
Examiner Name	Lewin, Alana
Attorney Docket Number	4029.001

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☐ Practitioner(s) associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
Katy C. Fain	42,520

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number.

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Fain IP Law, P.C.	Katy C. Fain
Address	4801 Lang Ave., NE, Ste. 110	
City	Albuquerque	State NM Zip 87108
Country	USA	
Telephone	505.488.0518	Email fain_iplaw@gmail.com


I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(a) is enclosed. (Form PTO/SB/86)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	4/7/06
Name	David Quisenberry	Telephone	
Title and Company	Managing Member, Southwest Martial Arts Development, LLC		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.


This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUN 05 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent & Trademark Office at 571-273-8300 on 05 June 2006.

  
Katy C. Fain, Attorney  
Registration No. 42,520

In the Application of: Gattis, et al.  
Ser.No.: 10/825,715  
Filed: 16 April 2004  
For: TRAINING PAD APPARATUS  
Art Unit: 3764  
Examiner: Lewin, Allana

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**REQUEST TO RESCIND NOTICE OF ABANDONMENT**

Dear Sir:

In Response to the Notice of Abandonment mailed 05 April 2006, the following information is provided to support Applicant's request to rescind the Notice of Abandonment. Specifically, the Office Action mailed on 29 September 2006 was not received in this office, and, therefore, it was not possible for Applicants to file a timely response to the Office letter. The process for receiving, entering and tracking receipt of an Office Action is as follows:

The Office is currently, and at the time of the asserted mailing of the Office Action, operated by a sole practitioner, Katy Fain. That practitioner opens all mailings with particular attention to mailings from the Patent Office. The Office Action is opened, matched to the correct file jacket and placed in line for docketing, review, and client notification. The practitioner docket each received item at receipt (on a daily basis) on both a computer generated docket and a manual listing on the file jacket. The Office Action is briefly reviewed and client notification is prepared as a letter and mailed out to the client at the time of docketing. A copy of the action is sent with the client notification. A copy of the notification letter and the original office action are placed in the file jacket. The file jacket is notated to indicate when the client has been notified of the office action and when reminders have been sent. Follow-up dates are docketed on the computer database with regard to receipt of client authorization to proceed with responses. The file is then shelved until further action is taken.

Patent App. Ser. No. 10/825,715  
Amendment. Dated: 05 June 2006  
In Reply to Office Action Mailed: 29 September 2005


As shown in Attachments A and B, there is no record of receipt of an Office Action for the above-identified application. Attachment A is the file jacket of the application. Attachment B is the printout for docket dates for the application. Attachment C is the printout for docket dates for patent office action response due 29 March 2006. Since this is a small office, we have additionally searched the file jackets of all active files at the time of the asserted mailing of the office action and have not found the action nor any record of its receipt.

The first communication we received after filing the office action was a telephone call made to Andrea Mays, the filing attorney after the date of abandonment. Ms. Mays left the firm in July of 2005 to move to California. She was contacted at the offices of her present employer, Qualcomm, Inc. by Examiner Allana Lewin. Ms. Mays notified our firm of the abandonment and we contacted the Examiner who could not discuss the matter with us without a change in Power of Attorney. We attach the Power of Attorney with this filing.

Also, please find enclosed a declaration Attachment D signed by Katy Fain who has sole responsibility for receiving and tracking Office Actions.

Based on the information provided herein and the Office action that was not received and is therefore missing from the file jacket, it is respectfully requested that the Notice of Abandonment be withdrawn and the Office Action of September 29, 2005 be reissued.

Respectfully Submitted,

  
Katy C. Fain, Reg. No. 42,520  
Attorney for Applicants

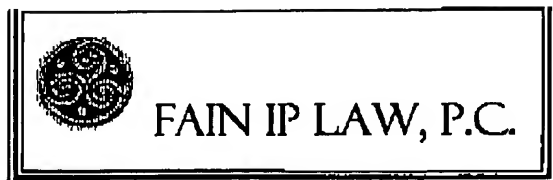
FAIN IP LAW, P.C.  
4801 Lang Ave., NE  
Suite 110  
Albuquerque, NM 87109

Patent App. Ser. No. 10/825,715  
Amendment, Dated: 05 June 2006  
In Reply to Office Action Mailed: 29 September 2005

Telephone: (505) 468-0518  
Facsimile: (505) 796-9601  
E-mail: fain\_iplaw@msn.com

**RECEIVED**  
**CENTRAL FAX CENTER**  
**JUN 05 2006**

# **ATTACHMENT A**

**U.S. NON-PROVISIONAL**  
**PATENT**FAIN IP LAW, P.C.  
4801 Lang Ave., NE, Ste. 110  
Albuquerque, NM 87109Telephone: 505.468.0518  
Facsimile: 505.786.9601CLIENT/MATTER NO.: 4029.001TITLE: TRAINING PAD APPARATUSSER. NO.: 10/825,715FILING DATE: 16 April 2004

PAT. NO.: \_\_\_\_\_

ISSUE DATE: \_\_\_\_\_

EXAMINER: \_\_\_\_\_

INVENTORS: STEVEN HAMILTON GATTISDAVID MATTHEW OVERSTREETPRIORITY BASIS: N/A PRIORITY DATE: \_\_\_\_\_ENTITY: X SMALL BAR DATES: \_\_\_\_\_       LARGE FOR. FILE DEADL.: \_\_\_\_\_

DECL. FILED: \_\_\_\_\_ IDS FILED: \_\_\_\_\_ SUPP. IDS: \_\_\_\_\_ DRAWINGS: \_\_\_\_\_

PRELIM. AMEND.: \_\_\_\_\_ NON-PUB REQ.: \_\_\_\_\_ POA: \_\_\_\_\_

OFFICE ACTIONS:	FINAL? MAILED	DUE	CL. NOTIF.	RESP. FIL.	CL. NOTIF.
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RESTR. REQ.: \_\_\_\_\_ as to \_\_\_\_\_

PUBL. DATE: \_\_\_\_\_ LOC.: \_\_\_\_\_ FORM. DRWGS: \_\_\_\_\_

NOTICE OF ALLOWANCE: \_\_\_\_\_ CERT. OF CORRECTION: \_\_\_\_\_ ISSUE FEE PD.: \_\_\_\_\_

REISSUE DEADL.: \_\_\_\_\_ CL. REM. SENT: \_\_\_\_\_ REISSUE FILED: \_\_\_\_\_

MAINT. FEES: DUE: \_\_\_\_\_

CL. REM.: \_\_\_\_\_

PAID: \_\_\_\_\_

## **ATTACHMENT B**



4009.001

SWMAD LLC

Inventor/Gattis

FD: 04/16/04

DEC: 04/16/04

DR: 04/16/04

Examiner/

IDS: 04/16/04

POA: 04/16/04

PrA:

NoPu:

OA: rec clnot

Pub:

NOA:

Issue:

MD:

Fee:

## ATTACHMENT C



## **ATTACHMENT D**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of: Gattis, et al.  
Ser.No.: 10/825,715  
Filed: 16 April 2004  
For: TRAINING PAD APPARATUS  
Art Unit: 3764  
Examiner: Lewin, Allana

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.68**

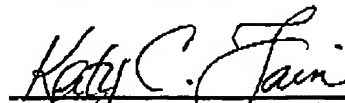
Sir:

I, Katy C. Fain, now attorney of record of the above-mentioned patent application, and a sole practitioner and president of Fain IP Law, P.C., formerly Mays & Fain, LLP until the departure of Andrea Mays in July 2005, which offices were until 31 March 2006, located at the same address as the correspondence address indicated in the above-mentioned filing, do hereby declare that on 2 April 2006, I searched the computer docket, the file jacket recordation sheet, the above-referenced file, and all files active for the referenced period of time of the asserted mailing of the first office action in this matter (September 29, 2005). There is no office action in the files. There is no record of receipt of the office action. I am solely responsible for receiving mail to the firm and recording it and do not recall receipt of the office action. No mail was being forwarded to Andrea Mays by the U.S. Postal Service or this office at the time the office action was allegedly mailed to our offices.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and to like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of this application, the patent which issues thereon, or any patent to which this verified statement is directed.

Patent App. Ser. No. 10/825,715  
Amendment. Dated: 05 June 2008  
In Reply to Office Action Mailed: 29 September 2005

Respectfully Submitted,



Katy C. Fain, Reg. No. 42,520  
Attorney for Applicants

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